

HOUSE BILL REPORT

HJR 4201

As Passed House:

March 3, 2005

Brief Description: Changing the membership of the commission on judicial conduct.

Sponsors: By Representatives Williams, Lovick, Priest, Flannigan and Serben.

Brief History:

Committee Activity:

Judiciary: 2/1/05 [DP].

Floor Activity:

Passed House: 3/3/05, 97-0.

Brief Summary of Bill

- Changes a reference to "district" court judges to "limited jurisdiction" court judges in the constitutional provision describing the membership of the Commission on Judicial Conduct.

HOUSE COMMITTEE ON JUDICIARY

Majority Report: Do pass. Signed by 9 members: Representatives Lantz, Chair; Flannigan, Vice Chair; Williams, Vice Chair; Priest, Ranking Minority Member; Campbell, Assistant Ranking Minority Member; Kirby, Serben, Springer and Wood.

Staff: Bill Perry (786-7123).

Background:

In 1980 the voters approved a constitutional amendment that created the "Judicial Qualifications Commission." In 1981, statutory provisions were enacted to implement the constitutional provision. A subsequent amendment changed the name of the Commission to the "Commission on Judicial Conduct" (Commission).

The Commission handles complaints about judges who may have violated the rules of judicial conduct. The Commission is authorized to receive complaints, conduct investigations, hold hearings, impose certain types of discipline, and make other disciplinary recommendations to the Supreme Court. The Commission is authorized by statute to investigate judicial officers at all levels of the state's court system, including justices, judges, judges pro tempore, court commissioners, and magistrates.

Both the constitutional provision and the implementing statute provide that the Commission consists of 11 persons: one judge selected by and from the court of appeals judges; one judge selected by and from the superior court judges; one judge selected by and from the district court judges; two attorneys selected by the bar association; and six lay persons selected by the Governor with Senate confirmation.

The reference to "district court" judges in the constitutional provision on Commission membership has caused some concern. County district courts are just one of the state's courts of limited jurisdiction. Municipal courts may be departments of district courts, but they may also be independent city courts. District and municipal courts together are sometimes referred to as "courts of limited jurisdiction."

Summary of Bill:

A constitutional amendment is proposed to change the reference from "district" court to "limited jurisdiction" court in the provision describing the membership of the Commission.

Appropriation: None.

Fiscal Note: Not requested.

Testimony For: Judges who are subject to the jurisdiction of the commission should have a chance for representation on the commission. It's a matter of simple fairness.

Testimony Against: None.

Persons Testifying: (In support) Judge Marilyn Paja, Washington District and Municipal Judges' Association.

Persons Signed In To Testify But Not Testifying: None.